

# South Carolina

## A. STATE-AT-A-GLANCE

1) <b>Program Operation</b>	State-administered
2) <b>Number of Local Offices (excluding Agencies under Cooperative Agreements)</b>	4 divisions in State Office/Central Program Operations; Regional and County Operations including 5 Regional Offices and 2 county based offices; Financial Services; Management Support; and Contracts Management and Evaluation
3) <b>Type of Agencies with Cooperative Agreements</b>	46 Cooperative Agreements with county clerks of court; 43 Cooperative Agreements with county Sheriffs
4) <b>Uniform Interstate Family Support Act</b>	Yes
5) <b>Agreements With Tribal Entities</b>	No
6) <b>Age of Majority for Termination of Support</b>	18; however, support may be continued past that age if child is making reasonable progress toward graduation from high school progressive child completes high
7) <b>Statutes of Limitation:</b>	
• <b>Collection of Past Due Support</b>	Laches applies
• <b>Paternity Establishment</b>	Child's 18th birthday
<b>Dormancy Revival/Renewal Possible [yes/no]</b>	No
8) <b>Guidelines</b>	Income shares based on gross income
9) <b>Interest Rates on</b>	No
• <b>Missed Payments</b>	No
• <b>Retroactive Support</b>	No
• <b>Adjudicated Arrearage</b>	No
10) <b>Arrearage Collections for Non-minor Child(ren)</b>	Yes, where the former custodian of applies for non-assistance services (in accordance with limitations time-frames)
11) <b>Distribution Scheme</b>	
• <b>AFDC Arrears</b>	First to current ongoing support obligation; then to Non-AFDC arrears; then to AFDC arrears; EXCEPT for IRS intercepted funds, which apply first towards AFDC arrears
• <b>Non-AFDC Arrears</b>	Prior to application toward AFDC arrears
12) <b>Procedures Regarding Medical</b>	Yes

<b>Support Using Income Withholding</b>	
<b>13) New Hire Reporting</b>	Yes; voluntary reporting
<b>14) Recovery of Costs Elected Under State Plan</b>	No
<b>15) Recovery of Costs for Initiating State</b>	No
<b>16) Long-Arm Statute/s Citation/s</b>	R615, H4844, Section 20-7-980
<b>17) Automated Locate Resources</b>	Electronic Parent Locator Network; Federal Parent Locate Service; Departments of Public Safety; Education; Labor, Licensing and Regulation; Consumer Affairs; Natural Resources; State Law Enforcement Division; Insurance; Employment Security Commission
<b>18) Enforcement Options</b>	
• State Income Tax Refund Intercept	Yes
• License Revocation/ Suspension	Yes
• Administrative Liens	No
• Property Seizure & Sale	No
• State Funds/Benefits (please specify)	Unemployment Benefits Intercept
• Other (please specify)	Wage withholding
<b>19) Spousal Maintenance Orders</b> <i>(specify yes or no)</i>	
• Establish	No
• Enforce	Only if child support is included
• Modify	No
<b>20) Current Spouse/Partner Information Required</b>	No

## B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	Title XX, Chapter 7, Article 9, Subarticle 5 of the 1976 Code of Laws
2) Effective Date	07/14/94
3) Adopted Verbatim? If no, list differences.	Yes
4) Repeal URESA?	Yes
5) Repeal IWW?	No

## C. INCOME WITHHOLDING

1) Income Withholding Terminology	Income withholding by statute (commonly referred to as wage withholding)
2) Income Withholding Procedures	
• State Withholding Limits	50 to 65% of disposable income after mandatory deductions (depending on number of other dependents)
• Fee Charged by Employers	Up to \$3 per withholding
• Date to Remit	Within 10 days of withholding
• Penalty	Liability for the amount that should have been withheld; possible fine
3) Definition of Employer	Any payor of income to an obligor (South Carolina Employment Security Commission is excluded)
4) Included Income	Wages, salaries, commissions, compensation as an independent contractor, worker's compensation, disability, annuity, retirement benefits, severance package benefits
5) Excluded Income	Public Assistance payments; any amounts exempted by federal law
6) Direct Income Withholding for Unemployment Compensation, include address	No, not an employer
7) Direct Income for Workers' Compensation, include address	No, not an employer
8) Direct Income Withholding, other income sources subject to, include	Employers only

<b>address</b>	
<b>9) Direct Income Withholding, list Other Income Sources NOT subject to</b>	Only employers are subject to direct income withholding
<b>10) Federal Withholding (See Federal Pay Agents Section)</b>	IV-D Directors need not answer this question.
<b>11) Procedures for Contesting Income Withholding</b>	Yes
<b>12) Arrearages through Income Withholding</b>	Yes
<b>13) Enforcing Against Non-Resident Obligor Asset/Income</b>	Yes
<b>14) Exception to Immediate Withholding</b>	Yes
<b>15) Multiple Obligations Withholding Priorities</b>	
• <b>Policy</b>	Comply with all withholding orders to the extent possible; when necessary, priority is given to current obligation amounts over any arrearage amounts
• <b>Priority</b>	Only IRS garnishment has priority over child support withholding
• <b>Assistance</b>	SC CSED Management Support Branch PO Box 1469 Columbia, SC 29209  PH 803-737-5875
• <b>Allocation</b>	Yes

## D. PATERNITY

<b>1) Interstate Paternity Procedures</b>	CSED serves putative father and attempts to settle case with an agreed order. If paternity is contested, genetic tests will be conducted after initiating jurisdiction has coordinated
<b>Consent Orders Obtained</b>	Yes
<b>2) Uniform Parentage Act</b>	No
<b>3) Uniform Act on Blood Testing</b>	No
<b>4) Parentage Order Available Without Order for Support</b>	Yes
<b>5) Custody/Visitation Addressed</b>	Administrative Orders: No

<b>Subject to Tribunal's Jurisdiction</b>	Judicial Orders: At judge's discretion
<b>6) Genetic Test Results as Presumption of Paternity</b>	Yes
<b>Threshold</b>	97%
<b>7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)</b>	Rebuttable
<b>8) Marriage as Presumption of Paternity</b>	Yes
<b>9) Putative Father's Name on Birth Certificate, Effect of</b>	Rebuttable Presumption
<b>10) Other Statutory Presumptions</b>	No
<b>11) Recognition of Common Law Marriage</b>	Yes; determined on a case-by-case basis considering: Do parties reside together? Hold themselves out to others as husband and wife? Have children? Use the man's last name? File taxes jointly?
<b>12) Personal Appearance of Witness or Custodial Parent Required</b>	No
<b>Acceptable Methods of Testimony</b>	No; written statement, sworn deposition, teleconference backed by one of the above
<b>13) Long-Arm Statute</b>	Title XX, Chapter 20, Article 9, Subarticle 5, of the 1976 Code, Section 20-7-980
<b>14) Assistance to Other States Using Their Long-Arm Statutes</b>	
• Service of Process	No
• Genetic Testing	Yes
<b>15) Recovery of Genetic Testing Costs for Other States</b>	Yes

## E. SUPPORT ORDER ESTABLISHMENT

<b>1) Interstate Procedures</b>	Administrative process is used to the extent possible. S.C. Code Ann &20-7-9505. Notices sent and agreement is attempted. If not possible, judicial process is employed: pleadings filed, defendant served, agreement attempted, if failed, judge will hear case
<b>2) Income Considered for Setting Support</b>	Custodial parent's income; any income or source of compensation for non-custodial parent; assets of both parties, alimony

3) <b>Criteria for Rebuttal</b>	Standards of deviation from guidelines considered on a case-by-case basis
4) <b>Support Order for Prior Periods</b>	Yes; to date of genetic testing on paternity contested cases

## **F. ENFORCEMENT**

**(Note: If multiple orders, see Part “G”)**

### **I. ENFORCING YOUR OWN ORDER**

1) <b>Enforcement for Non-Resident Family</b>	Yes
2) <b>Administrative Procedures and Remedies Available</b>	No
3) <b>Judicial Procedures and Remedies Available with Registration</b>	Yes

### **II. ENFORCING OTHER STATES’ ORDERS**

4) <b>Administrative Procedures and Remedies Available Without Registration</b>	No; registration required
5) <b>Judicial/Administrative Remedies with Registration</b>	All available
6) <b>UIFSA/URESA Registration and Enforcement Procedure</b>	Orders can be registered under UIFSA for either enforcement or enforcement and modification
7) <b>Judicial Procedures Required after Registration</b>	After registration for enforcement, none. After registration for modification and enforcement, modification can be done in court
8) <b>Uniform Enforcement of Foreign Judgments Act Citation</b>	No

## **G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS**

1) <b>Jurisdiction Requirements</b>	CEJ analysis per UIFSA
2) <b>Modification Procedures</b>	CSED will , upon request in non-assistance cases and without request in AFDC cases, review cases for possible modification at least every 3 years. Uses current information, selection criteria,

	and state statute requirements for child support and medical support obligations. If the order is filed in another equivalent jurisdiction, one party resides in SC and another resides in a third state, modification can be attempted if the non-resident party submits to SC jurisdiction. Orders may be adjusted based upon changes in income of either or both parties without evidence of substantial changes: if the order works a hardship on either party or child; when the order amount is low due to the age of the initial order; if child is enrolled successfully in high school past age of 18; medical insurance costs are extremely expensive. Proof of income and financial declarations are required. Pleadings completed by staff attorney.
<b>3) Criteria for Modification</b>	Change (up or down) of at least \$25.00 or 20-25% of support amount
<b>4) Criteria for Change of Circumstances</b>	No hard definition
<b>5) Frequency With Which Reviews are Conducted</b>	Every 3 years
<b>6) Criteria for Review</b>	Order at least 3 years old; IV-D or medical support case; AFDC, MAO or IV-E Foster Care case; change of circumstances
<b>7) Criteria for Adjustment</b>	See above

## H. MULTIPLE ORDERS

### ENFORCEMENT AND MODIFICATION

<b>1) Controlling Order</b>	Title XX, Chapter 7, Article 9, Subarticle 5, of the 1976 Code, Section 208  CEJ analysis per UIFSA; order issued in child's home state, or if no such order, then order most recently entered
<b>2) Date of Controlling Order</b>	Per UIFSA analysis
<b>3) If No Controlling Order</b>	CEJ rules; if no order with CEJ, tribunal may enter a new order
<b>4) Arrears Procedure</b>	Not modifiable

## I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document  *See below
Establishment of Paternity and Support	Child Support Enforcement Transmittal  Uniform Support Petition Paternity Affidavit General Testimony	1 3 3 3	A, B A, B A, B A, B
Enforcement of Responding State's Order	Child Support Enforcement Transmittal  Uniform Support Petition  Certified Copies of Order  Affidavit of Arrears	1 3 3 3	A, B A, B C C
Modification of Responding States' Orders	Child Support Enforcement Transmittal  Uniform Support Petition  General Testimony Affidavit of Arrears	1 3 3 3	A, B A, B A, B C
Administrative Enforcement of Another States' Order	N/A		
Registration for Enforcement of Another States' Order	Child Support Enforcement Transmittal  Uniform Support Petition  General Testimony Certified Copies of Court Order Affidavit of Arrears Statement of Fact	1 3 3 3 3 1	A, B A, B A, B C C A, B
Collection of Arrearages in Multiple Orders	Same as above		
Uniform Enforcement of Foreign Judgments Act	N/A		
Modification of Another State's Order	Child Support Enforcement Transmittal  Uniform Support Petition  General Testimony Certified copies of Order	1 3 3 3 3	A, B A, B A, B C C



<b>ACTION REQUESTED</b>	<b>DOCUMENTS NEEDED</b>	<b># of Copies of each docu- ment</b>	<b>Certifi- cation required for each docu- ment  *See below</b>
	Affidavit of Arrears Statement of Fact	1	C
Status Update on an Existing Interstate Case	Child Support Enforcement Transmittal	1	A, B
Assistance/Discovery	By written request to Attorney  Child Support Enforcement Transmittal	1 1	E A, B
Quick Locate	Child Support Enforcement Transmittal	1	A, B

*\*A= Notarization by Notary Public; B= Certification by signature of agency official;  
C= Certification by signature of court official; D= Others (please specify);  
E= Certification not required*

## J. State Contact Chart

<b>ASSISTANCE NEEDED</b>	<b>CONTACT</b>  Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Project Administrator  SCCSED Management Support Branch  PO Box 1469  Columbia, SC 29202  PH 803-737-5875    Fax 803-734-3301
Central Registry	George Summers  SC CSED Central Program Operations  PO Box 1469  Columbia, SC 29202  PH 803-737-5875    Fax 803-734-3301
Interstate Policy Contact (if different)	see State Information Agent
Contact for Information Regarding Your States Long Arm Statute and Process	see State information Agent
Contact for Information Regarding Collection and Distribution (State level)	Robert Meyers, Assistant Director  Financial Services Branch  PO Box 1469  Columbia, SC 29202  PH 803-737-3133    Fax 803-734-3301
Contact to Obtain Payment Records	see Collection and Distribution
Contact to Obtain Copy of Order	Ross Jolly, Assistant Director  SC CSED Regional and County Operations  PO Box 1469  Columbia, Sc 29202  PH 803-737-5837    Fax 803-737-5896
Contact for States Using Their Long Arm Statutes or Continuing Exclusive	see State Information Agent

Jurisdiction (no “case” in your State) for	
<ul style="list-style-type: none"> <li>• Service of Process (private process server? If so , list)</li> </ul>	<p>See State Information Agent</p> <p>ATT: John Ammerman, Project Administrator</p>
<ul style="list-style-type: none"> <li>• Genetic Testing ( e.g. assistance with interstate teleconferencing)</li> </ul>	<p>see Contact to Obtain Copy of Order</p> <p>ATT: Gale DuBose, Chief State Attorney</p>
New Hire Reporting Contact	<p>see State Information Agent</p> <p>ATT: New Hire Reporting</p>
Employer Assistance Contact	see State Information Agent
<p>Telephone Number for Automated Interstate Case <i>Status</i> Requests</p> <p>(if any)</p>	N/A
<p>Telephone Number for Automated Interstate Case <i>Payment</i> Requests</p> <p>(if any)</p>	N/A
Privatization Contact	<p>Christene Brogdon, Assistant Director</p> <p>SC CSED Contracts Management and Evaluation</p> <p>PO Box 1469</p> <p>Columbia, SC 29202</p> <p>PH 803-737-6026    Fax 803-737-6032</p>